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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/294,461

04/19/99

ADAMS

B

S012-3653

TM02/1105

EXAMINER

BRUCE L ADAMS

ADAMS & WILKS

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NEW YORK NY 10004

THOMPSON JR, F

ART UNIT

PAPER NUMBER

2165

DATE MAILED:

11/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/294,461

Applicant(s)

ADAMS et al.

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/16/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (See Paper No. 4). The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.
2. This action is responsive to the amendment (amendment B) filed 16 August 2001 (see Paper #9). Amendment B amended claims 1, 8, 25, and 26, added new claims 27-28, and deleted claim 10. **Claims 1-9 and 11-28 are pending.**
3. Claims 1-9 and 11-28 have been examined.

### *Drawings*

4. The drawings filed on 04/19/99 are acceptable subject to correction of the informalities indicated on the "Notice of Draftsperson's Patent Drawing Review," PTO-948, in the First Action (see Paper #4). Correction is required.

### *Claim Rejections - 35 USC § 103*

5. Claims 1-2, 4-8, 12-15, 17-21, and 23-26 were rejected in Paper #7 under 35 U.S.C. 103(a) as being unpatentable over "Internet Infinity Signs Exclusive Distribution Agreement With ZIP COUPONS;" PR Newswire; p106NYM035; 06 January 1997 (hereafter

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referred to as “**ZIP COUPONS**”), and further in view of **Storey** (U.S. Patent No. 5,774,870), and “Excite Reports First Quarter 1999 Results,” PR Newswire, 15 April 1999 (hereafter referred to as **Excite**). The rejections are maintained. Applicant has amended the claims (see Paper #9).

6. Claims 1-2, 4-8, 12-15, 17-21, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Internet Infinity Signs Exclusive Distribution Agreement With ZIP COUPONS,” PR Newswire; p106NYM035; 06 January 1997 (hereafter referred to as “**ZIP COUPONS**”), and further in view of “Excite Reports First Quarter 1999 Results,” PR Newswire, 15 April 1999 (hereafter referred to as **Excite**) and **Scroggie et al.** (U.S. Patent No. 6,014,634).

Claim 1: **ZIP COUPONS** (at pg. 1, para. 2) discloses:

- a plurality of consumer units operated by a consumer;
- communications means connectable over a communication medium to at least a coupon server; a user input device to permit a consumer to make one or more choices displayed on the display monitor; a coupon server located remotely from the consumer units, comprising:
  - a memory for storing first data corresponding to one or more participating retail outlets including data for identifying each of the retail outlets by name and inventory of goods offered for sale, and second data containing coupon data used for generating electronic discount coupons for selected goods;

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-- a data processing unit having communication means connectable over the communication medium to the consumer units;

-- first means responsive to a connection with a respective consumer unit to transmit for display on the display monitor of the respective consumer unit a first rule containing a list of participating retail outlets which may be individually selected by the consumer using the user input device of the respective consumer unit, *through the selection of the types of coupons that the consumer is interested in, and display of available coupons and the associated merchants identified with the coupons;*

-- second means responsive to the selection of a retail outlets displayed on the display monitor of the respective consumer unit by the consumer to transmit to the respective consumer unit a second file containing first data corresponding to the selected retail outlet for display on the display monitor of the consumer unit, the second file containing the identity of goods offered for sale by the selected retail outlet, and the displayed goods being individually selected by the consumer using the user input device, *as illustrated through the representation and selection of the coupons;* and

-- third means responsive to the selection of one or more items of goods by the consumer to transmit a third file for display on the display monitor of the consumer unit containing second data corresponding to the selected goods, the third file containing electronic coupons corresponding to one or more of the selected goods, *i.e., through the selection of coupons for desired products/services, the consumer is selecting products/services for purchase.*

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**ZIP COUPONS** disclose that advertisers will pay Internet Infinity, Inc for placement of their zip coupons on the Internet and delivery of their mail coupon, and customers will select a coupon interest category for car wash, pizza, etc., which implies that a list of the participating retail outlets are displayed on the display monitor of the consumer unit. However, **ZIP COUPONS** does not explicitly show the retail outlets are individually selectable by the consumer and in response to the selection of one or more of the displayed retail outlets transmitting a list of goods for which discounts are available. However, this is inferred from the disclosure of **ZIP Coupons**, as shown above, as the consumer selects the coupons for products that the consumer wants to obtain, and the coupons are provided to the consumer. Official Notice is taken that the consumer may base his choices on any one or more of many parameters, such as, cost, size, color, etc. of the choices, as well as, the particular merchant providing the coupon redemption service that sells the products of choice. In this way, the consumer selects the merchant that he prefers. It would have been obvious to one skilled in the art at the time the invention was made to modify **ZIP Coupons** to specifically disclose the retail outlets are individually selectable by the consumer and in response to the selection of one or more of the displayed retail outlets transmitting a list of goods for which discounts are available, because this is only an obvious variation of the disclosure that results from a slightly different, but obvious, sort of the same database of available goods and coupons. Thus, when coupons are selected for each of the participating stores as disclosed in **ZIP COUPONS**, products and retail stores are being individually selected by the consumer.

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Additionally, **EXCITE** discloses that consumers are able to access digital redeemable coupons from participating online merchants, all personalized based on an individual's shopping interests (pg. 2 3rd para.), as may be portrayed by a shopping list. It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of **ZIP COUPONS** to disclose a list of participating retail outlets in such a manner that the retail outlets are individually selectable by the consumer and transmitting a list of goods for which discount coupons are available in order for the individual to view and select products available from the retail outlet, as disclosed by **EXCITE**, because this would simplify the consumer's selection procedures for goods and retail outlets. When coupons are selected for each of the participating stores as disclosed in **ZIP COUPONS** and **EXCITE**, simultaneously, products and retail stores are individually selected by the consumer.

Additionally, **Scroggie** discloses:

- using a first computer operated by a consumer to establish a connection with a second computer over a communication medium (col. 1 lines 47-64);
- using a second computer to acquire identifying indicia for identifying the geographical location of the first computer (col. 1 lines 52-61);
- selecting from a list of participating retail outlets stored in the second computer one or more participating retail outlets in the geographical vicinity of the first computer (col. 1 line 47 - col. 2 line 17);

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- disclosing the steps include logging in a remotely located customer using identity data and geographic region data transmitted by the customer over a communication network; transmitting back to the registered customer a plurality of incentive offers, the incentive offers being exercisable in the customer's geographic region; and then receiving incentive offer selection data from the customer over the communication network, the offer selection data including the designation of a retailer at which selected offer or offers may be exercised (col. 1 lines 56-64);
- the functionality of transmitting back to the registered customer a plurality of incentive offers, the incentive offers being exercisable in the customer's geographic region (col. 1 lines 56-64);
- receiving incentive offer selection data from the customer over the communication network, the offer selection data including the designation of a retailer at which selected offer or offers may be exercised (col. 1 lines 56-64); and
- An important element of the invention is that it permits the customer to plan his or her shopping and shopping-related activities more efficiently ... To this end, the method also includes the step of communicating with the customer concerning the use of shopping aids other than incentives or coupons ... In one aspect of the invention, this communicating step includes transmitting a list of products available for purchase, receiving customer selections from the list of products, and then transmitting a shopping list to the customer (col. 2 lines 8-17).



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Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the inventions of **ZIP COUPONS** and **EXCITE** to include displaying the list of the inventory of goods offered for sale by the selected retail outlet on the first computer such that the displayed inventory of goods are individually selectable by the consumer using the first computer so that the consumer may select one or more items of goods the consumer intends to purchase at the selected retail outlet, as disclosed by **Scoggie et al.**, because this provides desirable and well known capabilities to the consumer/shopper and may influence the shopping habits of the consumer/shopper at the selected retail outlet or store.

Claim 2: **ZIP COUPONS** discloses means for acquiring identifying indicia for identifying the geographical location of a consumer unit connected thereto; selecting one or more participating retail outlets in the vicinity of the consumer unit; and downloading for display on the display monitor of the consumer unit the first file containing a list of the selected retail outlets (pg. 1 para. 2), e.g., *customers will select the US Postal zip code area where they want to shop and then select a coupon interest category for car wash, pizza, ....*

Claim 4: **ZIP COUPONS** discloses means for transmitting a file to the consumer unit containing a form requesting the consumer to identify the geographical location of the consumer unit (pg. 1 para. 2), *where customers select the U.S. Postal zip code area where they want to shop.*

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Claim 5: **ZIP COUPONS** discloses a hardcopy apparatus for producing a hardcopy of electronic coupons transmitted to the consumer unit (pg. 1 para. 2), *as inferred by the capability where the customer can print out the desired coupons.*

Claim 6: **ZIP COUPONS** discloses a printer connected to a consumer unit (pg. 1 para. 2), *as inferred by the capability where the customer can print out the desired coupons.*

Claim 7: **ZIP COUPONS** and **EXCITE** do not explicitly disclose a point-of-sale unit located in a participating retail outlet, nor a hardcopy apparatus. However, Official Notice is taken that it was old and well known at the time the invention was made that userstations or terminals for consumers' use were made available at participating retail outlets, e.g., in kiosks. Here, consumers may search for information on goods and products sold by the participating retail outlet and print coupons, as desired. Additionally, Official Notice is taken that it was old and well known in the art at the time the invention was made that a computer typically is comprised of a display monitor, a memory for storing data to be displayed on the display monitor, a data processing unit; a hardcopy apparatus, a user input device, or any additional devices that are considered necessary for operation in a particular manner. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine **ZIP COUPONS**, **EXCITE** and old and well known art to disclose a point of sale unit comprising a hardcopy apparatus, a display monitor, a memory for storing data to be displayed on the display

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monitor, a data processing unit, a hardcopy apparatus, and a user input device, because this configuration provides functionality that is necessary for the invention to operate.

Claim 8: **ZIP COUPONS** discloses:

- the coupon server is located remotely from the point-of-sale unit (pg. 1 para. 2), and further comprises:
- means for transmitting to the point-of-sale unit a fourth file containing the identity of coupons for goods offered for sale by the retail outlet at which the point-of-sale unit is located (pg. 1 para. 2); which infers that goods for sale are identified by the list of coupons available.

**ZIP COUPONS** does not explicitly disclose the third means of the coupon server is responsive to the selection of one or more items of goods by the consumer to transmit the third file for display on the display monitor of the point-of-sale unit containing second data corresponding to the selected goods, the third file containing electronic coupons corresponding to one or more of the selected goods. However, **ZIP COUPONS** does disclose the user selecting a postal ZIP code area where they want to shop (i.e., which can be remote from the coupon server), selecting coupons to be provided to the user from a displayed list of coupons for a coupon interest category selected by and displayed to the user, for goods that the user is interested in purchasing (pg. 1 para. 2). Further, **EXCITE** discloses *enables consumer access to valuable promotional offers matched to their shopping interests* (pg. 2 3rd para.), i.e., products that the consumer is interested in. Therefore it would have been obvious to one skilled in the art at the

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time the invention was made to use the methods of **ZIP COUPONS** in combination with **EXCITE** and **Scroggie et al.** to disclose the third means of the coupon server is responsive to the selection of one or more items of goods by the consumer to transmit the third file for display on the display monitor of the point-of-sale unit containing second data corresponding to the selected goods, the third file containing electronic coupons corresponding to one or more of the selected goods, because this would provide the user with the coupons provided by selected merchants for the purchase of their products, thus encouraging shopping at their establishments.

Claim 12: **ZIP COUPONS** discloses one or more consumer units comprise client computers on a network (pg. 1 para. 2).

Claim 13: **ZIP COUPONS** discloses the coupon server comprises an Internet host computer (pg. 1 para. 2).

Claim 14: Claim 14 is written as a method and contains essentially the same limitations as claim 1; therefore, the same rejection is applied.

Claim 15: Claim 15 is written as a method and contains essentially the same limitations as claim 2; therefore, the same rejection is applied.

Claim 17: Claim 17 is written as a method and contains essentially the same limitations as claim 4; therefore, the same rejection is applied.

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Claim 18: Claim 18 is written as a method and contains essentially the same limitations as claim 5; therefore, the same rejection is applied.

Claim 19: Claim 19 is written as a method and contains essentially the same limitations as claim 6; therefore, the same rejection is applied.

Claim 20: Claim 20 is written as a method and contains essentially the same limitations as claim 7; therefore, the same rejection is applied.

Claim 21: Claim 21 is written as a method and contains essentially the same limitations as claim 8; therefore, the same rejection is applied.

Claim 23: Claim 23 is written as a method and contains the same limitations as claim 12; therefore, the same rejection is applied.

Claim 24: Claim 24 is written as a method and contains essentially the same limitations as claim 13; therefore, the same rejection is applied.

7. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Internet Infinity Signs Exclusive Distribution Agreement With ZIP COUPONS,” PR Newswire; p106NYM035; 06 January 1997 (hereafter referred to as “**ZIP COUPONS**”), and further in view of “Excite Reports First Quarter 1999 Results,” PR Newswire, 15 April 1999 (hereafter referred to as **Excite**), **Scroggie et al.** (U.S. Patent No. 6,014,634), and **Katz et al.** (U.S. Patent No. 6,055,513).

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Claim 3: **ZIP COUPONS** discloses the communication medium comprises a public telephone network (col. 8 lines 2-7). **ZIP COUPONS**, **Excite** and **Scroggie et al** do not disclose means for acquiring caller ID data to identify the geographical location of the consumer unit.

However, **Katz et al.** disclose:

- the communication medium comprises a public telephone network (col. 15 lines 38-65), and
- means for acquiring caller ID data to identify the geographical location of the consumer unit (col. 16 lines 9-17).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine **ZIP COUPONS**, **Excite**, **Scroggie et al.**, and **Katz et al.** to disclose the communication medium comprises a public telephone network and means for acquiring caller ID data to identify the geographical location of the consumer unit, because this capability provides obvious and useful enhancements to the invention for the expeditious identification of callers.

Claim 16: Claim 16 is written as a method and contains essentially the same limitations as claim 3; therefore, the same rejection is applied.

8. Claims 9, 11, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Internet Infinity Signs Exclusive Distribution Agreement With ZIP COUPONS;" PR Newswire; p106NYM035; 06 January 1997 (hereafter referred to as "**ZIP COUPONS**"), and further in view

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of "Excite Reports First Quarter 1999 Results," PR Newswire, 15 April 1999 (hereafter referred to as **EXCITE**), **Scroggie et al.** (U.S. Patent No. 6,014,634), and **Burke** (U.S. Patent No. 5,848,399).

Claim 9: **ZIP COUPONS, Scroggie et al., and EXCITE** do not disclose data representative of the physical layout of the participating retail outlets indicating the aisle location of the goods offered for sale. However, **Burke** discloses an output of the retail space management system 52 is a three-dimensional description 56 of the store space, including product descriptions (UPC information), shelf and product sizes and locations in three spatial dimensions, and product category locations, preferably in Cartesian coordinates (col. 4 lines 58-67; col. 5 lines 1-25). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the invention of the combination of **ZIP COUPONS, Scroggie et al., and EXCITE** to disclose data representative of the physical layout of the participating retail outlets indicating the aisle location of the goods offered for sale, as disclosed by **Burke**, because this enhances the invention to consumers through the ease of locating desirable products in a store and will enhance customer attraction to the merchant.

Claim 11: **ZIP COUPONS, Scroggie et al., and EXCITE** do not disclose the second file contains graphical data for displaying a representation of the physical layout of the goods in the selected retail outlet. However, **Burke** discloses an output of the retail space management

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system 52 is a three-dimensional description 56 of the store space, including product descriptions (UPC information), shelf and product sizes and locations in three spatial dimensions, and product category locations, preferably in Cartesian coordinates. Typically, the description 56 includes a floor plan which indicates the location and sizes of each product category within the store. A file is also generated for each product category, indicating the product and shelf sizes and locations for the product category. This description 56 can be stored in a store database 61, accessible by an indication of the store 59 which it describes (col. 4 lines 58-67; col. 5 lines 1-25). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the invention of the combination of **ZIP COUPONS**, **Scroggie et al.**, and **EXCITE** to disclose data representative of the physical layout of the participating retail outlets indicating the aisle location of the goods offered for sale, as disclosed by **Burke**, because this enhances the invention's desirability to consumers through the ease of locating desirable products in a store and may enhance customer attraction to the merchant.

Claim 22: Claim 22 is written as a method and contains essentially the same limitations as claim 9; therefore, the same rejection is applied.

9. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Internet Infinity Signs Exclusive Distribution Agreement With ZIP COUPONS;" PR Newswire;



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p106NYM035; 06 January 1997 (hereafter referred to as “**ZIP COUPONS**”), and further in view of **Scroggie et al** (U.S. Patent No. 6,014,634) and **Burke** (U.S. Patent No. 5,848,399).

Claim 25: **ZIP Coupons** (see pg. 1 para 2) discloses:

- using a first computer operated by a consumer to establish a connection with a second computer over a communication medium, *i.e., through their Internet connectivity*; and
- using a second computer to acquire identifying indicia for identifying the geographical location of the first computer; selecting from a list of participating retail outlets stored in the second computer one or more participating retail outlets in the geographical vicinity of the first computer; transmitting from the second computer to the first computer a first file containing the selected one or more participating retail outlets, each of which may be individually selected by the consumer using an input device; displaying on the first computer the list of the one or more selected participating retail outlets contained in the first file; transmitting from the second computer to the first computer a second file containing data corresponding to the selected retail outlet including a list of the inventory of goods offered for sale by the selected retail outlet; displaying the list of the inventory of goods offered for sale by the selected retail outlet on the first computer such that the displayed inventory of goods are individually selectable by the consumer using the first computer so that the consumer may select one or more items of goods the consumer intends to purchase at the selected retail outlet, as disclosed by **Zip Coupons**:

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- *by customers will go the planned Internet site ... via their computer or television, to obtain coupons for use in their local trading area ...*
- *Customers will select the US Postal zip code area where they want to shop and then select a coupon interest category for car wash, pizza, dentist, pet care, health care, etc.*
- *After viewing available coupons (which infers the customer viewing a list of products), the customer either can print out the desired coupons or use the on-line discount code number to participate in the merchant's special offer; which infers the customer choosing coupons which identify associated merchants (i.e., choosing desired merchants) from those presented for the geographical area (US Postal zipcode area) identified by customer (i.e., for trading in his local trading area of choice).*

Additionally, **Scroggie** discloses:

- using a first computer operated by a consumer to establish a connection with a second computer over a communication medium (col. 1 lines 47-64);
- using a second computer to acquire identifying indicia for identifying the geographical location of the first computer (col. 1 lines 52-61);
- selecting from a list of participating retail outlets stored in the second computer one or more participating retail outlets in the geographical vicinity of the first computer (col. 1 line 47 - col. 2 line 17);

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- transmitting from the second computer to the first computer a first file containing the selected one or more participating retail outlets, each of which may be individually selected by the consumer using an input device (col. 1 lines 56-64), *disclosing the steps include logging in a remotely located customer using identity data and geographic region data transmitted by the customer over a communication network; transmitting back to the registered customer a plurality of incentive offers, the incentive offers being exercisable in the customer's geographic region; and then receiving incentive offer selection data from the customer over the communication network, the offer selection data including the designation of a retailer at which selected offer or offers may be exercised;*
- displaying on the first computer the list of the one or more selected participating retail outlets contained in the first file (col. 1 lines 56-64), *through the functionality of transmitting back to the registered customer a plurality of incentive offers, the incentive offers being exercisable in the customer's geographic region;*
- transmitting from the second computer to the first computer a second file containing data corresponding to the selected retail outlet including a list of the inventory of goods offered for sale by the selected retail outlet (col. 1 lines 56-64), *through receiving incentive offer selection data from the customer over the communication network, the offer selection data including the designation of a retailer at which selected offer or offers may be exercised;* and
- displaying the list of the inventory of goods offered for sale by the selected retail outlet on the first computer such that the displayed inventory of goods are individually selectable by the

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consumer using the first computer so that the consumer may select one or more items of goods the consumer intends to purchase at the selected retail outlet (col. 2 lines 8-17).

Neither **Zip Coupons** nor **Scroggie et al.** disclose transmitting from the second computer to the first computer a file containing data identifying the physical aisle location in the selected retail outlet of the goods selected by the consumer. However, **Burke** discloses an output of the retail space management system 52 is a three-dimensional description 56 of the store space, including product descriptions (UPC information), shelf and product sizes and locations in three spatial dimensions, and product category locations, preferably in Cartesian coordinates (col. 4 lines 58-67; col. 5 lines 1-25). Also, Official Notice is taken that it was old and well known in the art at the time the invention was made that the use of a database allows the cross-correlation of data relative to common features, characteristics or descriptors. Such cross-correlation of data allows the functionality of determining the physical location of specific products within a retail store and portraying the location information for specific products to the user, when the specific products are selected for purchase. This would require simple database search and display functions that are old and well known in the database arts. Additionally, the functionality of the inventions of **ZIP Coupons** and **Scroggie et al.** discloses a database for data storage and retrieval. Also, Official Notice is taken that data that may be stored in a database may take any of many forms or formats, as may be required by the inventor for the desired functionality of the database, such as may be required to display a map, a table or a list. Therefore, it would have

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been obvious to one skilled in the art at the time the invention was made to modify the inventions of **ZIP COUPONS** and **Scroggie et al.** to disclose data representative of the physical layout of the participating retail outlets indicating the aisle location of the goods offered for sale, as disclosed by **Burke**, because this enhances the invention to consumers through the ease of generating a shopping list of desirable products from available products in a retail outlet and locating these desirable products in the retail outlet when shopping with the list.

Claim 26: **ZIP COUPONS** discloses (see pg. 1 para 2) the communication medium comprises the Internet, the first computer comprises a client computer; and the second computer comprises an Internet host computer.

Claim 27: **ZIP COUPONS** and **Scroggie et al.** do not explicitly disclose the step of transmitting from the second computer to the first computer a second file further comprises the step of transmitting data representative of the physical layout of the selected retail outlet indicating the physical location of the goods offered for sale by the selected retail outlet. However, **Burke** discloses the step of transmitting from the second computer to the first computer a second file further comprises the step of transmitting data representative of the physical layout of the selected retail outlet indicating the physical location of the goods offered for sale by the selected retail outlet (col. 4 lines 58-67; col. 5 lines 1-25). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the

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inventions of **ZIP COUPONS** and **Scroggie et al.** to disclose the step of transmitting from the second computer to the first computer a second file further comprises the step of transmitting data representative of the physical layout of the selected retail outlet indicating the physical location of the goods offered for sale by the selected retail outlet, as disclosed by **Burke**, because this aids customers who generate shopping lists in finding the items they have selected to purchase in the retail outlet.

Claim 28: **ZIP Coupons** (see pg. 1 para 2) discloses the step of transmitting from the second computer to the first computer a file containing electronic coupons corresponding to one or more of the selected goods in response to the selection of one or more items of goods by the consumer,

### ***Response to Arguments***

10. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson whose telephone number is (703) 306-5449.

The examiner can normally be reached Monday-Friday from 7:00 AM to 3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached at (703) 308-1344.

The fax numbers for the organization are as follows:

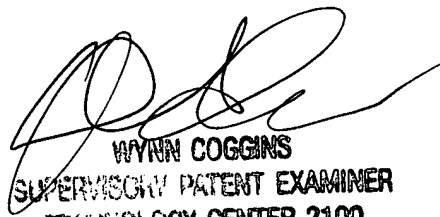
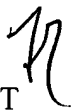
(703) 308-1396

or:

(703) 308-6606

Any inquiry of a general nature or relating to the application or processing should be directed to the receptionist whose telephone number is (703) 305-3900.

October 30, 2001 /FOT



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